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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| CHUNMING WANG, XIAN QING YE, AND | : |
| RUIYAN LIU, | : |
| | : |
| Plaintiffs, | : |
| -against- | : |
| | : |
| JFD SUSHI RESTAURANT INC. d/b/a TENZAN | : |
| 89 JAPANESE CUISINE, JFD MANAGEMENT | : |
| INC., TENG FEI RESTAURANT GROUP INC. | : |
| d/b/a TENZEN 89 JAPANESE CUISINE, | : |
| LIGUANG LIN a/k/a LI GUANG LI a/k/a | : |
| LIGUANG L LIN, JING LIN, FEI TENG a/k/a | : |
| FEI F TENG, YONG CHEN TENG, "JOHN" | : |
| CHEN, AND "JOHN" SHI, | : |
| | : |
| Defendants. | : |
| -----X | |

22-CV-4401 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 4, 2023, Plaintiffs, represented by Jason Houda, appeared before the Undersigned for a hearing on their motion for default judgment against Defendants Yong Chen Teng, John Chen, and John Shi;

WHEREAS while the Wong Law Firm filed a notice of appearance on Mr. Houda's behalf in this matter, the notice of appearance was filed from Mr. Vincent Wong's PACER account, and consequently, not registered within the ECF system, Dkt. 46;

WHEREAS Plaintiffs served the complaint on Defendants Teng, Chen, and Shi, by delivering a copy of the summons, amended complaint, and civil cover sheet to a cashier at Defendant JFD Sushi Restaurant Inc., and mailed a copy of the same to Defendant JFD Sushi Restaurant Inc., Wong Decl. Ex. 4, Dkt. 39; and

WHEREAS the non-defaulting Defendants, including Defendant JFD Sushi Restaurant Inc. state that they “do not even know who Defaulting Defendants are, or how they are associated with the restaurant,” Letter, Dkt. 44 at 1.

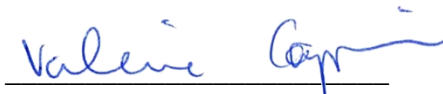
IT IS HEREBY ORDERED that Plaintiffs’ motion for default judgment is DENIED without prejudice to refiling with proof that Defendants Teng, Chen, and Shi received actual notice of the lawsuit and Plaintiffs’ motion for default judgment. The Court finds that there is reason to doubt that Defendant JFD Sushi Restaurant Inc. forwarded the service papers to Defendants Teng, Chen, and Shi given the restaurant’s representation that it does not know their identity or how to reach them. *See Nam v. Ichiba Inc.*, 2021 WL 878743, at *2 (E.D.N.Y. Mar. 9, 2021) (noting that a motion for default judgment may be denied “for insufficient service of process”).

IT IS FURTHER ORDERED that Mr. Houda must refile the notice of appearance from his own PACER account by **5:00 P.M. on May 4, 2023**.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to vacate the Clerk’s Certificate of Default at Dkt. 37.

SO ORDERED.

Date: May 4, 2023
New York, New York


VALERIE CAPRONI
United States District Judge